

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG**

**BURTON HAGWOOD,**

Petitioner,

v.

**CIVIL ACTION NO. 3:07-CV-17  
CRIMINAL ACTION NO. 3:00-CR-13  
(BAILEY)**

**UNITED STATES OF AMERICA,**

Respondent.

**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

By Standing Order entered on March 24, 2000, this action was referred to United States Magistrate Judge James E. Seibert for submission of proposed report and a recommendation ["R & R"]. Magistrate Judge Seibert filed his R & R on March 1, 2007 [Doc. 2]. In that filing, the magistrate judge recommended that this Court deny the petitioner's Application for Writ of Habeas Corpus pursuant to 28 U.S.C. 1651 [Doc. 1] and dismiss this matter without prejudice from the Court's docket.

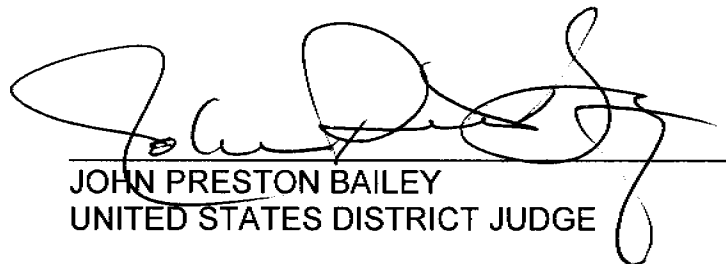
The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. ***Thomas v. Arn***, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); ***Snyder v. Ridenour***, 889 F.2d 1363, 1366 (4th Cir. 1989); ***United States v. Schronce***, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Seibert's R & R were due by March 15, 2007. No objections have been filed.

Therefore, the Court hereby **ADOPTS** the recommendations of Magistrate Judge

Seibert.and **DISMISSES this action with prejudice.** Additionally, the petitioner filed a Motion to Stay until his change of address is submitted to the Clerk's office. The Court received a Notice of Change of Address on April 16, 2007 [Civ. Doc. 5]. Accordingly, the petitioner's Motion to Stay [Civ. Doc. 3] is hereby **DENIED as moot.** The Court hereby **ORDERS** that this matter be removed from the Court's docket.

The Clerk is directed to transmit a copy of this Order to all counsel of record and the *pro se* petitioner.

**DATED:** June 19, 2007.



JOHN PRESTON BAILEY  
UNITED STATES DISTRICT JUDGE